

ERICA SCREETON,  
  
Plaintiff,  
  
v.  
  
BAYER HEALTHCARE  
PHARMACEUTICALS, INC., and  
BAYER HEALTHCARE, LLC,  
  
Defendants.

Plaintiff originally filed suit in this Court based on diversity jurisdiction pursuant to 28 U.S.C. § 1332(a), claiming that her use of the oral contraceptive drug “Yasmin” caused her numerous health problems. (Docket # 1.) Plaintiff’s original complaint, however, contained omissions in its diversity jurisdiction allegations and the Plaintiff was ordered to file an amended complaint establishing the citizenship of Defendant Bayer HealthCare, LLC. (Docket # 4.)

Plaintiff's proposed second amended complaint, however, remains deficient. For purposes of diversity jurisdiction, an alien corporation is a citizen of the place of its

incorporation and the place of its principal place of business. *Bou-Matic, LLC, v. R.J. Fullwood & Bland, Ltd.*, No. 08-cv-441, 2008 WL 4691831, at \*1 (W.D. Wis. Oct. 22, 2008) (citing *MAS Capital, Inc. v. Biodelivery Sci. Int'l, Inc.*, 524 F.3d 831, 833 (7th Cir. 2008)). *See also, Danjaq, S.A. v. Pathe Comm. Corp.*, 979 F.2d 772, 774 (9th Cir. 1992); *Vareka Inv., N.V. v. Am. Inv. Props., Inc.*, 724 F.2d 907, 909 (11th Cir. 1984); *Jerguson v. Blue Dot Inv., Inc.*, 659 F.2d 31 (5th Cir. 1981).

The Plaintiff has alleged that Bayer Schering Pharma AG is a “German company headquartered in Berlin, Germany,” with research facilities in Berlin, Wuppertal, and Cologne, Germany, and the state of California. As they stand, these allegations are insufficient to establish diversity jurisdiction. The Plaintiff must specifically identify the principal place of business of Bayer Schering Pharma AG to ensure that diversity jurisdiction exists.

Accordingly, Plaintiff’s counsel are granted leave to file a second amended complaint, dismissing without prejudice Bayer HealthCare, LLC and substituting Bayer Schering Pharma AG as a defendant. The second amended complaint, however, must specifically identify the principal place of business of Bayer Schering Pharma AG.

SO ORDERED.

Enter for March 1, 2010.

/S/ Roger B. Cosbey  
Roger B. Cosbey,  
United States Magistrate Judge